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1 BY MR. GILLEN:

2 Q. Is that what you're referring to as the
3 teachers' amended version?

4 A. Yes, it is.

5 Q. Comparing that document, Bert, with the draft
6 that you received on October 8th, what did you
7 see as the significant changes from the
8 standpoint of the science faculty?

9 A. The reference to the reference material of Of
10 Pandas and People was removed from the last
11 column. And under the unit concept and content,
12 the sentence ended with a period following and
13 of other theories of evolution.

14 Q. Do you recall when you provided this to the
15 administration, Bert? This plainly was prior to
16 the October 18th board meeting.

17 A. Oh, my, yes. I would imagine that it was--
18 Well, it was before October the 12th and the
19 15th where Mr. Bonsell then amended it and added
20 another thing which then became the third
21 version. So I would say somewhere, I don't
22 know, 10th, 11th because we had to meet
23 together, and then we decided this would be our
24 suggestion. And then it was presented back to
25 Mr. Baksa.

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1 Q. Now, you've referenced some changes made between
2 the 12th and the 15th. Were you a participant
3 in any discussions which led to those changes,
4 Bert?

5 A. No.

6 Q. What do you recall about those changes?

7 A. Somewhere between the 12th to the 15th
8 Mr. Bonsell added a note to the bottom of the
9 curriculum-- Let me go back a minute. The
10 recommendation of the science department was
11 rejected by the committee.

12 Q. And just for the record, Bert, that's the
13 recommendation XI-B with the Bates stamp
14 Number 20 at the bottom?

15 A. Yes. Yes, it is. And then after that,
16 somewhere between the 12th and the 15th, we were
17 told that Mr. Bonsell was going to add a note at
18 the bottom of this section of the curriculum
19 dealing with evolution that was going to read
20 origins of life will not be taught.

21 Q. And you say, we were told. Who's the we?

22 A. Well, my guess would be Mr. Baksa. Since he was
23 the head of curriculum and curriculum
24 development, he was the one who usually carried
25 the information between the science department

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1 and the curriculum committee.

2 Q. Well, you anticipated my question. Mike Baksa
3 told you, but who's the we he told? Was it you
4 and Jen Miller?

5 A. Well, it was probably biology teachers, but
6 again I am not certain that was a formal
7 meeting. We were all obviously getting prepared
8 for the October 18th meeting which was the big
9 board meeting. So who the we was I'm really not
10 certain.

11 Q. In terms of getting prepared for that board
12 meeting, Bert, did you have discussions with
13 your science faculty?

14 A. We had some discussion in who would attend, you
15 know, what was going to happen. I will say that
16 my science staff was somewhat upset because the
17 perception in the community and the perception
18 in some of the newspapers was that the science
19 department contributed to and were behind the
20 change in this curriculum. And it was at that
21 point that I decided that I was going to make a
22 public statement the night of that board meeting
23 prior to the vote under public comment.

24 Q. Before we go there, I apologize, I didn't ask
25 you, did you go to board meetings in September

1 of 2004?

2 A. I can't answer that. If we have the board
3 minutes and I could look and my handwriting is
4 there, my guess will be that I may have. But I
5 don't specifically remember attending in
6 September. August I did and October I did.

7 Q. I just want to be sure. I don't think there are
8 any minutes. There are no agendas or minutes
9 from September. It seems you don't have any
10 independent recollection of attending.

11 A. No, I do not.

12 Q. Good enough. Well, I understand why you decided
13 you were going to make a statement. Any other
14 discussions with your science faculty about the
15 competing versions of proposed curriculum
16 changes between the period October 8th and
17 October 18th?

18 A. Well, after we were told that our proposal was
19 rejected, the biology department didn't feel
20 real comfortable about what was going to happen.
21 They had a pretty good inclination or at least
22 thought so that the proposal by the curriculum
23 committee without our input was probably going
24 to pass.

25 Q. Did you have any discussions with either

1 Dr. Nilsen or Mike Baksa about trying to find
2 some sort of middle way here?

3 A. I don't recall that.

4 Q. How about you've referenced a note. Do you
5 recall having any discussions with your science
6 faculty relating to the purpose of the note
7 which was added to XI-C document from Miller 7
8 with Bates stamp Number 22 which says the
9 origins of life is not taught? Do you recall
10 discussions touching on that?

11 A. Yes, I do.

12 Q. Tell me what you remember.

13 A. If the note reads the origins of life will not
14 be taught, then our question is why would the
15 reference book Of Pandas and People be placed
16 anywhere because if you look at the title of the
17 textbook, it says the origins of life right
18 under the thing Of Pandas and People. And there
19 was obviously some question if, in fact, you
20 know, the statement now reads the origins of
21 life are not going to be taught, then why are we
22 dealing with the intelligent design issue or of
23 the book Of Pandas and People.

24 Q. Did you ask that question, Bert? Did you direct
25 that question to any of the administration?

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1 A. In this interim there were so many meetings and
2 so many people, I can't answer that. I don't
3 know that. I'm certain it came up somewhere
4 because, I mean, by that time, you know, we had
5 all seen, many of us, copies of Of Pandas and
6 People, and there in the title were these words.

7 And if, in fact, we are not going to teach
8 this, then the question would arise as to what
9 would then be the purpose of that reference
10 book. But, you know, in terms of having a
11 formal, you know, meeting in which just that
12 topic was discussed, the answer is no.

13 Q. How about at any time during this period did you
14 have any conversations with members of the board
15 curriculum committee about the note?

16 A. Not to my knowledge.

17 Q. How about with members of the school board
18 generally, any discussion?

19 A. Not that I remember.

20 Q. Well, you go into the October 18th board
21 meeting, Bert, and just tell me what you can
22 recall. Well, let me ask you this, did you have
23 any discussions with any board members leading
24 up to the October 18th board meeting at all?

25 A. Could you repeat that, please.

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1 Q. From October 8th through October 18th, we have
2 what we see as the curriculum change is sort of
3 in process. And I just want to get a sense,
4 before you go to the public meeting on
5 October 18th, did you speak to any of the board
6 members yourself?

7 A. About the change in the curriculum and the fact
8 that the science department had no input into
9 it?

10 Q. Yes.

11 A. Not to my knowledge. I believe Casey Brown as I
12 was either coming into this meeting said
13 something to me, but it certainly was not a
14 discussion, how does the science department
15 feel, but it was not a discussion.

16 Q. Going into that meeting, did you have any
17 discussions with the administration?

18 A. Actually prior to the start of the board
19 meeting, the science department, Jen, Rob, and I
20 were sitting at a round table, and Mr. Baksa
21 handed us the document. And it's very confusing
22 because you have A, you have B, you have C. And
23 even when the vote came down, even the people
24 who were voting did not know what we were
25 looking at, whether it was A, B, or C.

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1 And that was the final-- That was the
2 first time we had seen what became I guess the
3 final document that was approved. But that's as
4 much as I remember. He walked over to the
5 table. He handed us the piece of paper, and I
6 can't tell you which it is. It's the one that
7 was finally approved. I can't remember how it
8 was labeled.

9 Q. Don't worry. Don't worry, Bert. Just let me
10 look at it here. Look at this one with the
11 blacked out. Take a look at that.

12 A. Well, I don't think it's this one because in the
13 one that was approved, it had intelligent design
14 at the bottom in addition to this note and this
15 reference to Of Pandas and People. Now, where
16 exactly that is, but that was the one.

17 Q. Let me ask you this, we're going into the
18 October 18th board meeting, and you've
19 referenced a document that Mr. Baksa gave you is
20 Miller 7, this collection of pages. Is this the
21 document you received from him?

22 A. No. We only got one page from him that one
23 night at the board meeting. We had had others.
24 I'm not certain--

25 Q. That's okay.

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- 1 A. Because the one that was finally approved has
2 this on the bottom. It has this on the side,
3 but it does not stop after evolution. I believe
4 it has the original verbiage which is including,
5 but not limited to, intelligent design on it
6 under column two.
- 7 Q. Do I understand you correctly that the final
8 version is a combination of the text from XI-A
9 along with the addition of the note taken from
10 XI-C?
- 11 A. That is my understanding.
- 12 Q. All I'm trying to do, Bert, is understand what
13 you had going into the meeting and how you
14 viewed that. If I'm correct, you're telling me
15 that you had already seen the board curriculum
16 committee's version which is XI-A?
- 17 A. That's correct.
- 18 Q. You had already given to the administration the
19 teacher's version which is XI-B?
- 20 A. That's correct.
- 21 Q. And Mr. Baksa had just handed you for what you
22 believe is the first time the page that is
23 XI-C?
- 24 A. Now, it had been mentioned to us that
25 Mr. Bonsell was going to add this last

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1 statement. I did not have it in print in my
2 hand. That's what I got prior to the board
3 meeting.

4 Q. Well, let me ask you about that, Bert. As
5 you've already noted, XI-C does have the note
6 which you say you were aware of and attributed
7 to Alan Bonsell. But XI-C also admits the
8 reference to intelligent design.

9 A. That one does appear to do so, yes.

10 Q. If you look at the cover memo for XI-C, you'll
11 see that it states attached is a second draft of
12 the recommended changes to the biology
13 curriculum from the administration and staff.

14 Now, what I want to get your sense for is
15 this, based on your discussion today, the note
16 origins of life is not taught reflects the
17 practice of the teachers which you've described
18 already, is that correct, that they didn't teach
19 origins of life?

20 A. The present teachers do not teach origins of
21 life. That's not to say that there were not
22 biology teachers before this who are no longer
23 here.

24 Q. Oh, yeah, understood.

25 A. Yes, that is my understanding.

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1 Q. Okay, good enough. Then as you've noted,
2 another difference from the version that the
3 teachers have proposed was the reference to the
4 book Of Pandas which is contained in the column
5 headed materials and resources. Is that right?

6 A. That's correct.

7 Q. Do you recall having any discussions with
8 Mr. Bonsell about the note? I think I asked you
9 this but--

10 A. No, I did not.

11 Q. Do you recall having any discussions with your
12 science faculty about the note, either Jen
13 Miller or Rob Eshbach or one of the people
14 teaching biology?

15 A. I remember somewhere like over lunch or whatever
16 the statement came up if we are not teaching
17 origins of life, then what, in fact, is the
18 purpose of having intelligent design listed as
19 part of the curriculum or the book Of Pandas and
20 People there because that seems to be what it is
21 addressing.

22 Q. You've referenced this situation where the board
23 meeting is about to start and Mr. Baksa has
24 provided you with XI-C. Did you have any
25 discussion with him about XI-C?

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1 A. No. The board meeting was about to begin.

2 Q. Did you have any discussions with Mr. Baksa
3 about the desire of the biology -- or the
4 science department and biology teachers for the
5 administration to take a certain position?

6 A. I don't know when that came to be. But, yes, I
7 can say that the biology teachers and the
8 science department were somewhat disappointed
9 that it did not appear that we were going to
10 have the support of the administrators on this
11 issue, that the board was now going to literally
12 be coming in and without our input since we
13 happened to be the experts in science altering
14 the curriculum and then we were going to be held
15 accountable to teach what is written on the
16 curriculum.

17 And that's not standards driven.
18 Intelligent design or whatever we wish to call
19 it, creationism, is not part of the mandated
20 state standards.

21 Q. That's understood. I'm trying to get at your --
22 just the exchanges with the administration and
23 the science faculty about the upcoming meeting,
24 the October 18th meeting and what you as the
25 science faculty might have communicated to the

1 administration about the upcoming deliberations
2 on the competing versions of the curriculum.

3 A. We had no communication with the administration.
4 The administration did not know that I was going
5 to make a statement. I did not inform them I
6 was going to do so. I am a property owner in
7 the Dover Area School District, and I felt as a
8 taxpayer as well as the department chair I had
9 the right to make a statement.

10 Q. Certainly.

11 A. But we did not communicate with the
12 administration who would attend, what we would
13 say or do. It just was not something we did.

14 Q. So it seems like there wasn't a lot of
15 discussion leading up to the meeting about these
16 rival versions. Did you feel like everyone knew
17 everyone had a different choice?

18 A. Yes. And we did have the feeling going into the
19 meeting that the administration thought that a
20 different document was going to be approved. I
21 don't know why I feel that way. I can remember
22 Dr. Nilsen walking over toward our table and
23 saying when you hear, I don't know, the
24 decision, don't clap. And to this day, we have
25 no idea what that meant. So we don't know

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1 whether they thought something was going to
2 occur that did not occur. We have no idea.

3 Q. Well, let me ask you about that, Bert, because
4 if you look at both XI-B, the cover memo for
5 that, and the cover memo for XI-C, if you look
6 at that, read that if you would, Bert, read the
7 description on that page. That's XI-B, right?

8 A. Yes.

9 Q. Now flip to XI-C, Bert.

10 A. Which is this one?

11 Q. Yes. You see that cover memo. Read that.
12 You'll see both are recommended changes to the
13 biology curriculum from the administration and
14 staff. They're described as such. Do you
15 recall, and again looking at XI-C at the note,
16 the note origins of life is not taught that is a
17 -- that reflects existing practice of the
18 biology teachers as of the time that this is
19 submitted to the board. Is that correct?

20 A. That is my understanding, yes.

21 Q. On the other hand, we understand that this
22 reference Of Pandas and People in this column
23 here, materials and resources, is something that
24 the science teachers saw as unusual and not in
25 keeping with the ordinary practice?

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1 A. Yes.

2 Q. So as you approached the board meeting, was
3 there some exchange between either Dr. Nilsen or
4 Mr. Baksa and the science faculty about the
5 administration version being selected?

6 A. I can't answer that.

7 Q. Let me look at it this way, when Dr. Nilsen said
8 when the curriculum is approved--

9 A. We have no idea whatever that comment meant.
10 And to this day, we still don't know because we
11 had the feeling that something was going to
12 occur that we all would be happy or satisfied
13 with. Well, it most definitely did not. But
14 that was kind of our sense that even he may have
15 thought that something different was going to go
16 down, that there was going to be a compromise.

17 And I am now looking at these three
18 documents, and I can honestly say to you I do
19 not know which, if any, of the three of these is
20 the final document.

21 Q. Well, I agree with you, Bert, because the final
22 document as reflected in the board minutes is a
23 combination of these. So you would not have
24 been able to see the final document prior to the
25 meeting?

1 A. Because I'm looking at this, and I am thinking
2 this is not the document we think that was
3 passed.

4 Q. No, you couldn't have seen it because these are
5 documents generated coming up to the meeting.
6 I'm sorry if I was unclear about that.

7 A. Because the final one that was passed is
8 actually with this, with this, and then with the
9 last part of that sentence. I'm beginning to
10 think even I don't remember what it looked like,
11 but, yes. Thank you.

12 Q. Now do you see?

13 A. Thank you for clarification, yeah.

14 Q. And that's why I asked you again, as you were
15 going into the meeting and you say you had the
16 sense that the administration thought something
17 was going to happen that you as teachers were
18 going to be comfortable with, looking at these
19 three versions seeing that two of them are
20 billed as administration and staff, does that
21 trigger any recollection on your part as to what
22 the administration went into the board meeting
23 looking for?

24 A. Well, certainly B does because that was the one
25 where the science -- or the biology department

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1 certainly amended it. We had given it to
2 Mr. Baksa, and he certainly accepted our
3 discussion. Then this one as it was written--

4 MS. PENNY: Say which one for the record.

5 A. Enclosure C.

6 BY MR. GILLEN:

7 Q. XI-C?

8 A. XI-C. --would have been acceptable. The
9 science department could have lived with this.
10 Now, we weren't happy with Pandas and People
11 over there. But the fact that the ID issue was
12 removed from that section of the curriculum we
13 would have been able to live with.

14 Q. And the fact also was that there had been
15 discussion of putting Of Pandas in the classroom
16 as a reference text?

17 A. That's correct.

18 Q. And the teachers had said fine?

19 A. Yes.

20 Q. So you go into the meeting, and you've prepared
21 a statement. Let me just, if you would, see the
22 meeting through your eyes. Did it start with
23 public comment?

24 A. No. It started out with the traditional roll
25 call, the pledge to the flag. There were a few

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1 Would you look through your stack?

2 A. Here it is. It's right here under Exhibit 3.

3 It's right here with my initials at the top.

4 It's following the October 4th one that have my
5 initials at the top.

6 MR. GILLEN: Can we go off the record.

7 (Discussion held off the record)

8 BY MR. GILLEN:

9 Q. I'd ask you to look at Miller 3, the agenda
10 relating to the October 18th, 2004 meeting, and
11 there are some handwritten notes after that. If
12 you would look at those, Bert, and tell me--
13 The agenda has BS in the upper right hand corner
14 on the first page. Is that Bert Spahr?

15 A. Yes, it is.

16 Q. And then if we looked at the pages between the
17 first page of the agenda for October 18th and
18 the first page of the agenda for November 1st,
19 2004, we'll see a couple of things here,
20 handwritten notes. Are they your notes, Bert?

21 A. They are.

22 Q. And then behind the handwritten notes there's an
23 Enclosure XI-C, right?

24 A. Yes.

25 Q. Now, let me ask you, Bert, it seems to me that

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1 the fact that these documents are grouped in
2 this way reflects particularly that XI-C appears
3 here to reflect what you've already told me
4 which is that you received this document so far
5 as you can make it out around the time you had
6 the agenda. Is that correct?

7 A. That's correct. Now, I'm not exactly sure why
8 there is the blacking out of what would have
9 been that note down here.

10 Q. Would you take a minute to just look through
11 those notes?

12 A. Through the minutes of the board meeting?

13 Q. No, your notes.

14 A. My notes.

15 Q. Yes.

16 A. I must say they're not the most legible I've
17 ever done. Usually I carried with me a tablet
18 that had lined paper and wrote rather than on
19 the agenda which we often shared on there. I'll
20 look at these notes.

21 Q. Let me ask you, had you spoken with your science
22 faculty prior to the October 18th meeting for
23 the purpose of generating attendance at the
24 October 18th meeting?

25 A. We met over lunch and asked who would be

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1 attending that meeting. We felt that since the
2 curriculum was going to be approved at that time
3 it was important for the science as many of us
4 to be present as possible.

5 Q. Apart from discussions with your science
6 faculty, did you speak with anyone else?

7 A. There were other members of the faculty who also
8 came in support of the science department to
9 that meeting. So the English department, the
10 math department, yes. At length did we discuss
11 it, no. They simply indicated that in support
12 of us they were going to attend.

13 Q. I mean, did you as a faculty with an issue in
14 front of the board encourage people -- make them
15 aware of the impending vote and encourage them
16 to attend for the purpose of showing support?

17 A. I don't know how it was done exactly, whether it
18 was at a faculty meeting, whether it was simply
19 in the lunchroom, but there were people -- an
20 association of people that said, you know, it
21 would be a nice idea if you would show the
22 support to the science staff because this is a
23 very important issue for them. But it was not a
24 formal--

25 Q. That's fine. And association people are the

1 union reps?

2 A. That's correct.

3 Q. So the meeting begins, and you get to the
4 curriculum item. As the meeting began, was
5 there public comment?

6 A. Yes. That's when I stood up and made my
7 statement.

8 Q. Do you have your statement here, Bert? Did you
9 give that to me?

10 A. Yes, I have it, and I'm sure you do as well.
11 You have it. I'm not sure under what. But I
12 have it here. Again, it's handwritten.

13 Q. Let me ask you this, do you recall public
14 comment at the meeting other than your own?

15 A. Oh, yes. I probably was one of the first.

16 Q. Tell me what you remember about the meeting as
17 it opened in terms of public comment other than
18 your own. Was Barrie Callahan there?

19 A. I don't know that exactly. I know Lonny
20 Langione was there.

21 Q. Do you recall anything he said?

22 A. Yes. But that was in response to what occurred
23 after I made my presentation.

24 Q. Did you start off, Bert?

25 A. Pretty much, yes.

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1 Q. You've shown me a document that's headed,
2 Statement Board Meeting 10/18/04. Is that a
3 copy of your notes in preparation for that
4 presentation?

5 A. Yes, it is.

6 MR. GILLEN: Let's mark that as 2.

7 (B. Spahr Deposition #2 marked for
8 identification)

9 BY MR. GILLEN:

10 Q. Bert, take a look over that if you need to and
11 just-- I guess what I'm trying to do is get at
12 the thrust of your objections as they were
13 expressed. Does this document we've marked as
14 Spahr 2, does that fairly summarize what your
15 sentiments were?

16 A. Yes. And the purpose of the statement that I
17 made publicly which was the first statement I
18 have ever made on this issue before the board
19 had to do with the fact that the perception in
20 the community had been that the science
21 department and specifically the biology
22 department was in support of what is being done.
23 And I did this to clarify.

24 And then I pointed out to them what the
25 science department had done to make every effort

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1 to reach a compromise with this curriculum
2 committee. And there were obviously four
3 points. The curriculum change I pointed out to
4 them which is to be voted on this evening many
5 feel would be railroaded through and has not
6 followed past practice, and it had not. Past
7 practice had been there would be input.

8 Mrs. Callahan must have been there because
9 she had been on the community curriculum
10 committee, and she had said that that had been
11 past practice, and she would have known because
12 she was a member. And the board curriculum
13 committee usually had had input from the
14 professional staff, the district curriculum
15 committee, the community members, and
16 administrators.

17 I also at that point said, you know, it had
18 been deemed unlawful, illegal, and
19 unconstitutional to teach intelligent design
20 which is a synonym for creationism or creation
21 science along with evolution. I cited the court
22 case, okay, and, you know, went through the fact
23 that it was putting my teachers who were fairly
24 young, two of which were untenured at the time,
25 into what I felt was a no-win situation in that

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1 they either had to defy a ruling of the school
2 board or they had to walk into a classroom and
3 possibly commit an illegal act.

4 And it was at the end of that-- I did ask
5 Mr. Buckingham directly, though, as part of this
6 statement if he was going to direct, are you,
7 meaning the board going to direct my teachers to
8 teach intelligent design if it appears on the
9 written curriculum. He did not respond to that
10 question.

11 I then gave them a challenge and said,
12 please delay the vote of this issue so that we
13 can again sit down and attempt to resolve this
14 with a compromise which is beneficial to all
15 concerned.

16 At the conclusion of the statement which
17 was relatively brief, you know, not
18 antagonistic -- it was I thought very factual
19 and very professional -- Mr. Buckingham looked
20 at me and asked me where I thought I got my law
21 degree. When that question was asked, the
22 entire audience went ha because they knew my
23 integrity in this district for 40 years has
24 never been challenged, okay.

25 A hundred and twenty-five percent of my

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1 whole bunch of different parliamentary maneuvers
2 that took place that night. Are you referencing
3 questions among board members as to exactly what
4 the question was at the time a given vote was
5 being called?

6 A. There were questions among board members as well
7 as questions of members in the audience because
8 there was also some confusion among them.

9 Q. Sure. For the reasons you've stated, they
10 didn't have the documents.

11 A. I think the board members all had the documents.
12 I think the people sitting in the audience did
13 not understand if they were throwing out B or
14 voting on C. And it was a little on the chaotic
15 side to say nothing as well as heated, because
16 there were some people who were very verbal
17 either in support of or against.

18 Q. Tell me what you recall about those people and
19 their comments. Can you recall any specifics as
20 we sit here?

21 A. Well, not other than the questions that
22 Mr. Langione posed. I think there were others
23 who spoke. Mr. Snook often spoke. Barrie
24 Callahan would often speak. I do not know if
25 she spoke that evening, though. I mean, after

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1 what had happened, I was so upset that I really
2 didn't clearly see what was going on. It just
3 clouded what I perceived at that point because,
4 I mean, I even had other board members or in
5 some of the -- well, Dick Brown, if you will,
6 and even Noel who came up to me after that
7 meeting and attempted to apologize on behalf of
8 what had occurred. At that point I just wanted
9 to get out of there, and I did, but.

10 Q. Am I right, Bert, you felt that Mr. Buckingham
11 had insulted you?

12 A. Yes, I did.

13 Q. Look at the board now. There's some public
14 comment, and I understand why you're saying you
15 don't remember the specifics. Do you recall any
16 of the board members speaking to the substance
17 of the issue that was in front of them, the
18 curriculum change and these issues? Do you
19 recall--

20 A. In terms of the comments of what the different
21 documents were as to what the difference was
22 between A, B, and C?

23 Q. Yes.

24 A. I'm not-- No, I do not remember that.

25 Q. When you made this statement to the board, you

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1 because Mr. Baksa is not a science person. And
2 we were directed actually by Tom Scott and I
3 think Clayton Gibbs was there at the same time
4 after a meeting at the Shiloh UCC Church, so it
5 was an association meeting, and they were both
6 in attendance. And we obviously had a copy of
7 the document with us and said, okay, now what do
8 we do with this. And they said, if it's
9 scientifically inaccurate, we have the
10 responsibility to correct the document, and that
11 is exactly what we did. I don't know how many
12 major changes were there. But there were a few.

13 Q. Mr. Scott is an attorney who represented you
14 through the PSEA?

15 A. Yes.

16 Q. How about did you participate, Bert, in the
17 reworking of the statement in any way?

18 A. No, I did not.

19 Q. You've indicated that your meeting with
20 Mr. Scott took place on November 1st. If you'd
21 look at Miller 3 at the agenda for the
22 November 1st meeting, did you go to that
23 meeting?

24 A. I went to whatever meeting they interviewed all
25 of the candidates. I do not know exactly what